

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
FIRST APPEAL No 336 of 1979

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

THIRD SPL. LAND ACQ. OFFICER

Versus

KESHABHAI JETHABHAI AMIN

Appearance:

Mr. L.R.Pujari, Asstt. GOVERNMENT PLEADER for Petitioner
MR GM AMIN for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 30/01/97

ORAL JUDGEMENT

By means of the present appeal under Section 54 of the Land Acquisition Act (hereinafter referred to as 'the Act') read with Section 96 of the Code of Civil Procedure, the Special Land Acquisition Officer has challenged the judgment and award dated July 24, 1978 passed by the learned Assistant Judge, Nadiad, in Land Acquisition Case No. 66 of 1977.

Lands of the claimant were acquired for Dehgam Utkantheshwar Mahadev Road Project. Notification under Section 4 of the Act was published in the government gazette on February 18, 1971 whereas notification under Section 6 of the Act was published on December 6, 1977. The Land Acquisition Officer had awarded to the claimants at the rate of Rs.0.26 ps per sq.mtr as compensation.

Being aggrieved by the award of the Land Acquisition Officer, the claimant made reference under

Section 18 of the Act before the District Court, Ahmedabad (Rural) at Narol. The said reference was numbered as Land Acquisition Case No. 66 of 1977. The claimant, in support of his case, led oral as well as documentary evidence.

The learned Assistant Judge, after appreciating the oral as well as documentary evidence adduced by the claimant, determined the market price of the acquired land at Rs.6/- per sq.mtr. The learned Assistant Judge has awarded total compensation of Rs.4045/- to the claimant in respect of the acquired land.

Admittedly, the claims involved is of petty nature. It has been the consistent view of this Court including various Division Benches that claims in appeals under section 54 of the Act upto and about Rs.15,000/are categorised as petty claims and the State ought not to prefer appeals from such petty claims, and if preferred, the same can be dismissed on this ground alone. Even otherwise, on merits, the market price determined by the learned Assistant Judge is quite just and adequate.

In the result, the present appeal has no merit, and the same is dismissed with no order as to costs.

January 30, 1997 (M. H. Kadri, J.)
(swamy)